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Applicants: Alan R. Tall et al.
Serial No.: 09/898,554
Filed: July 2, 2001
Page 2

Coat
51
having the sequence set forth in SEQ. ID. NO:13 or with a
nucleic acid having the complementary sequence thereof.

A marked up version of amended claim 5 showing the changes made is
attached hereto as Exhibit 1.

REMARKS

Claims 5, 9, 39-46 and 51-60 are pending in the subject
application. Of the above claims, claims 9, 39 and 42-46 were
withdrawn from consideration by the Examiner and claims 41 and 51-
58 have been allowed. By this Amendment, applicants amend claim 5.
Accordingly, upon entry of this Amendment, claims 5, 40, 59 and 60
will be under examination.

Applicants maintain that the amendment of claim 5 raises no issue
of new matter and is fully supported by the specification as filed.
Support for amended claim 5 may be found, *inter alia*, in the
specification as filed in Figure 10. Accordingly, applicants
respectfully request that this Amendment be entered.

Rejection under 35 U.S.C. §112, Second Paragraph

The Examiner rejected claims 5 and 40 under 35 U.S.C. §112, second
paragraph, for allegedly failing to point out and distinctly claim
the subject matter which the applicants regard as the invention.

Specifically, the Examiner alleges that neither the specification

Applicants: Alan R. Tall et al.
Serial No.: 09/898,554
Filed: July 2, 2001
Page 3

nor the prior art provides a definition for the term "specifically hybridizes" or the hybridization conditions required for such hybridization as recited in claim 5. Accordingly, the Examiner alleges that claim 40, which depends upon claim 5, is similarly unclear.

Applicants respectfully traverse the Examiner's rejection. First, applicants direct the Examiner's attention to page 17, lines 20-24, which defines the phrase "specifically hybridizes" as "the ability of a nucleic acid molecule to recognize a nucleic acid sequence complementary to its own and to form double-helical segments through hydrogen bonding between complementary base pairs." Second, applicants maintain that conditions permitting such recognition and formation of double-helical segments are well known in the art.

Accordingly, applicants maintain that claims 5 and 40 satisfy the requirements of 35 U.S.C. §112, second paragraph.

Rejection Under 35 U.S.C. §102(b)

The Examiner rejected claims 5 and 40 under 35 U.S.C. §102(b), as allegedly anticipated by the Nagase et al. reference.

Specifically, the Examiner alleges that the Nagase et al. reference teaches a cDNA encoding a rat LOX-1 protein, preparation of probes for rat LOX-1, and the labeling of the probes. Thus, the reference allegedly meets the limitations of claim 5.

Applicants: Alan R. Tall et al.
Serial No.: 09/898,554
Filed: July 2, 2001
Page 4

In response, applicants respectfully traverse. Applicants note that amended claim 5 recites a "nucleic acid probe of at least 15 nucleotides in length which specifically hybridizes with a nucleic acid having the sequence set forth in SEQ. ID. NO:13 or with a nucleic acid having the complementary sequence thereof." Nowhere does the Nagase et al. reference teach the nucleic acid sequence of SEQ. ID. NO:13. Accordingly, applicants maintain that Nagase et al. does not teach all elements of the rejected claims, and that therefore, claims 5 and 40 are not anticipated by the Nagase et al. reference.

The Examiner also rejected claims 59 and 60 under 35 U.S.C. §112(b), as allegedly anticipated by Sawamura et al.

Specifically, the Examiner alleges that the Sawamura et al. reference teaches a total cell lysate and a soluble extract comprising LOX-1. Thus the Sawamura et al. reference allegedly meets the limitations of claims 59 and 60. A

In response, applicants respectfully traverse. Applicants note that claims 59 and 60 depend indirectly on claim 41. Claim 41 provides an isolated nucleic acid molecule encoding a protein comprising the amino acid sequence set forth in SEQ. ID. NO:14. Nowhere does the Sawamura et al. reference teach the amino acid sequence of SEQ. ID. NO:14. Accordingly, applicants maintain that claims 59 and 60 are not anticipated by the Sawamura et al. reference.

Applicants: Alan R. Tall et al.
Serial No.: 09/898,554
Filed: July 2, 2001
Page 5

Applicants maintain that the rejected claims satisfy the requirements of 35 U.S.C. §102(b).

Summary

In view of the remarks made herein, applicants maintain that the claims pending in this application are in condition for allowance. Accordingly, allowance is respectfully requested.

If a telephone interview would be of assistance in advancing the prosecution of the subject application, applicants' undersigned attorneys invite the Examiner to telephone them at the number provided below.

Applicants: Alan R. Tall et al.
Serial No.: 09/898,554
Filed: July 2, 2001
Page 6

No fee is deemed necessary in connection with the filing of this Amendment. However, if any fee is required, authorization is hereby given to charge the amount of such fee to Deposit Account No. 03-3125.

Respectfully submitted,



I hereby certify that this correspondence
is being deposited this date with the U.S.
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Marked-up Version of Amendments Showing Changes Made

Additions to the text are indicated by underlining; deletions are indicated by square brackets.

5. A nucleic acid probe of at least 15 nucleotides in length which specifically hybridizes with a nucleic acid [encoding a mammalian oxidized, low-density lipoprotein receptor (LOX-1),] having the sequence set forth in SEQ. ID. NO:13 or with a nucleic acid having the complementary sequence thereof.

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